

UNITED STATES BANKRUPTCY COURT

SOUTHERN DISTRICT OF NEW YORK

Case No. 05-44481-rdd

In the Matter of:

DPH HOLDINGS CORP., ET AL.,

Debtors.

United States Bankruptcy Court
300 Quarropas Street
White Plains, New York

December 10, 2009

10:25 AM

B E F O R E:

HON. ROBERT D. DRAIN

U.S. BANKRUPTCY JUDGE

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2 Objection Reorganized Debtors' Thirty-Eighth Omnibus Objection
3 Pursuant to 11 U.S.C. Section 502 (b) And Fed. R. Bankr. P.
4 3007 To (I) Expunge Certain (A) Equity Interests, (B) Books and
5 Records Claims, (C) Untimely Claims, (D) Pension, Benefit

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7 Objection Reorganized Debtors' Thirty-Ninth Omnibus Objection
8 Pursuant to 11 U.S.C. Section 503(b) and Fed. R. Bank. P. 3007
9 to (I) Expunge Certain Administrative Expense (I) Workers'
10 Compensation Claims, (II) Workers' Compensation Claims Transfer

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12 Notice of Hearing

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25 Transcribed by: Sara Davis

VERITEXT REPORTING COMPANY

212-267-6868

516-608-2400

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3 A P P E A R A N C E S :

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9 BY: JOHN K. LYONS, ESQ. (TELEPHONICALLY)

10 KAYALYN MARAFIOTI, ESQ. (TELEPHONICALLY)

11 TODD J. MCMULLAN, ESQ. (TELEPHONICALLY)

12 JOSEPH N. WHARTON, ESQ. (TELEPHONICALLY)

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15 U.S. DEPARTMENT OF JUSTICE

16 United States Attorneys' Office

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18 New York, NY 10007

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20 BY: JOSEPH N. CORDARO, ESQ.

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1 P R O C E E D I N G S

2 THE COURT: Okay, DPH Holdings or Delphi.

3 MS. MARAFIOTI: Your Honor, Kayalyn Marafioti on
4 behalf of DPH Holdings, Corp. --

5 THE COURT: Good morning.

6 MS. MARAFIOTI: -- formerly known as Delphi
7 Corporation --

8 THE COURT: Right.

9 MS. MARAFIOTI: -- and the affiliated reorganized
10 debtors. We appreciate your permitting us to appear by
11 telephone today.

12 THE COURT: Sure.

13 MS. MARAFIOTI: This is the fiftieth omnibus hearing
14 in the case and there are only two matters on the calendar,
15 both of which are claims objections. And my colleague, John
16 Lyons, will be addressing those.

17 THE COURT: Okay.

18 MR. LYONS: Good morning, Your Honor.

19 THE COURT: Good morning.

20 MR. LYONS: Well, there are no contested matters this
21 morning. We've -- pursuant to the claims procedures orders, we
22 served out both a thirty-eighth omnibus objection and the
23 thirty-ninth omnibus objection to all affected claimants with
24 the particularized notice provided from the procedures.

25 The thirty-eighth omnibus objection deals with

1 preposition claims and the thirty-ninth objection -- omnibus
2 objection deals with administrative claims. There are fifty-
3 seven proofs of claims that were originally subject to the
4 thirty-eighth omnibus objection. We withdrew two, twelve
5 responses were filed, so the order we proposed, Your Honor, to
6 enter would expunge forty-three claims which, again, relate to
7 claims which no response has been filed.

8 And to very briefly summarize the claims that we
9 propose to have expunged, there were two proofs of claims,
10 totaling 14,000 dollars asserted by holders of Delphi
11 Corporation common stock. We have fifteen proofs of claims in
12 the aggregate amount of twenty-seven million and change,
13 asserting liability, that just are not owing pursuant to
14 company's books and records.

15 We have five proofs of claim with the aggregate of
16 500,000 dollars that were untimely filed, and then there were
17 ten proofs of claims totaling 3.9 million that asserted
18 prospective liability, arising from the debtors' pension plans,
19 employee benefit plans and other benefit plans. So again, Your
20 Honor, those were the claims that were originally subject to
21 the motion, the ones that would be expunged under the order
22 would be one equity interest claim, six books and records
23 claims, three untimely claims, ten pension benefit and OPEB
24 claims and then nineteen workers' compensation claims that are
25 not reflected in the debtors' books and records.

1 So we have prepared a form of order consistent with
2 our other forms of order and we'd ask your Court to enter the
3 order expunging the claims to which no responses have been
4 filed.

5 THE COURT: Okay. I will do that based upon the
6 averments in the omnibus objection, the individualized notice
7 that was received, and the absence of any objection.

8 MR. LYONS: Thank you, Your Honor.

9 THE COURT: So you could --

10 MR. LYONS: Depends --

11 THE COURT: -- you could -- one could e-mail that
12 order to Chambers.

13 MR. LYONS: We will do so, Your Honor.

14 THE COURT: Okay.

15 MR. LYONS: Now, Your Honor, next on the thirty-ninth
16 omnibus objection, there were 550 proofs of claim that were
17 subject to this objection. Only two responses have been filed,
18 so again, then there will be 548 claims that we request, Your
19 Honor, to expunge. And to briefly summarize the claims that
20 are subject to this omnibus objection, there were forty-two
21 proofs of claims in the aggregate amount of 312,000 dollars,
22 asserting liabilities for workers' compensation benefits, which
23 the debtors -- the reorganized debtors are not liable.

24 Again, all but -- only one claimant filed a response
25 to the objection. We have 352 proofs of claim in the aggregate

1 amount of 415,000 dollars that assert liability for workers'
2 compensation claims that have been transferred to the GM
3 buyers, pursuant to the master disposition agreement.

4 And none of those claims have filed a response.

5 And finally, we have 156 proofs of claim in the
6 aggregate amount of 4.2 million that assert liability for
7 severance claims that have been paid in full; only one person
8 filed a response. So again, we would ask that -- that these
9 severance claims be expunged.

10 Similar to the thirty-eighth omnibus objection, the
11 omnibus objection was served out with particularized form of
12 notice pursuant to the claims objection procedure order and
13 other applicable rules. And, Your Honor, we'd ask respectfully
14 that you enter the order expunging the claims to which no
15 responses have been filed.

16 THE COURT: Okay. And again, you -- you've taken
17 out -- you said there were two responses?

18 MR. LYONS: Yes, we've taken out the two claims that
19 are subject to responses.

20 THE COURT: Okay. All right. In light of that and
21 again, based on the averments and the motion -- or the omnibus
22 objection, excuse me, I'll grant the relief that's sought today
23 which is unopposed. So you can e-mail that order to Chambers
24 also.

25 MR. LYONS: We'll do so, Your Honor. And now, that's

1 it for the thirty-eighth, thirty-ninth objection. I don't know
2 if Ms. Marafioti has something in closing.

3 MS. MARAFIOTI: Yes, I -- just one matter, Your Honor.
4 We did submit a sixteenth supplemental case management order
5 that basically simply deletes the creditors' committee and the
6 prepetition bank agent as recipients of documents going forward
7 to save costs, and I believe the presentment time for that is
8 today at 10. We have received no objections and so we would
9 respectfully request that the Court enter that order as well.

10 THE COURT: Okay. Has that order been e-mailed to us?

11 MS. MARAFIOTI: Yes it has, Your Honor.

12 THE COURT: Okay. So that's -- based on there being
13 no objections, and I can't see why there would be, I'll enter
14 that order.

15 MS. MARAFIOTI: Okay. Very well.

16 THE COURT: Okay.

17 MS. MARAFIOTI: Thank you, Your Honor. We appreciate
18 it.

19 THE COURT: Okay. Thanks very much.

20 MS. MARAFIOTI: Bye-bye.

21 THE COURT: Bye.

22 (Proceedings concluded at 10:31 AM)

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2 I N D E X

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4 RULINGS

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6 Order granted to expunge claims 7 5

7 subject to the thirty-eighth

8 omnibus objection for which

9 no responses were filed

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11 Order granted to expunge claims 8 22

12 subject to the thirty-ninth

13 omnibus objection for which

14 no responses were filed

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16 Sixteenth supplemental 9 12

17 case management order

18 granted

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2 C E R T I F I C A T I O N

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4 I, Sara Davis, certify that the foregoing transcript is a true
5 and accurate record of the proceedings.

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7 Signature_____

8 Sara Davis

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10 Veritext

11 200 Old Country Road

12 Suite 580

13 Mineola, NY 11501

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15 Date: December 14, 2009

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